PPG Industries, Inc.   One PPG Place   Pittsburgh, Pennsylvania 15272

S. Wayne Fast, Jr.
Hazardous Materials Consultant
Corporate Environment, Health and Safety
412-434-3201

December 16, 2002

Dockets Management System
Department of Transportation
Room PL 401
400 7th Street, SW,
Washington, DC 20590-0001

REFERENCE: Docket RSPA-2002-13658 (HM-215E)

Dear Dr. Robert A. McGuire:

PPG Industries, Inc. submits the following comments to the referenced docket. PPG Industries, Inc. is a global manufacturer of Glass, Fiber Glass, Chemicals, and Coatings with sales exceeding $8 billion. PPG produces and ships hazardous materials worldwide and is committed to the principles of Responsible Care®.

These comments relate only to the incorporations by reference of publications listed in 171.7. PPG will make further comments concerning the other sections of the rule at a later date.

PPG welcomes the updated reference to the 31st amendment of the IMDG Code to be placed in 49 CFR 171.7. This 31st amendment in particular goes to global harmonization of limited quantities by adopting the provisions in the 12th edition of the UN Recommendations on the Transportation of Dangerous Goods.

The limited quantity package marking provisions under the 31st amendment of the IMDG Code and the HM-215E proposed revisions to HMR are **vastly different** than those required under the current HMR and the 30th amendment of the IMDG Code as shown below.

- The limited quantity provisions in the 31st amendment of the IMDG Code only require packages be marked with the UN number (with the letters UN in front of the number) in 6 mm high letters and numbers inside an appropriate sized diamond outline with a 2 mm line thickness. The limited quantity requirements in the 30th amendment of the IMDG Code and the HMR require packages be marked with the proper shipping name and the UN identification number (with the letters UN in front of the number). (Even though the UN number is not required for limited quantities under the HMR, PPG marks the UN number on limited quantity packages so that remarking is not required for international shipments.) The dramatic difference in these two marking schemes needs as much time as possible to implement. The limited quantity marking provisions in the 31st amendment of the IMDG Code will allow international shippers such as PPG to mark limited quantity packagings using one method for global shipment.

Also the limited quantity application under the 31st amendment of the IMDG Code has been **changed** to allow the inner packaging size to be up to 5 liters for certain packing group II materials. The proposed rule (HM-215E) includes a new special provision (SP149) to be applied to certain hazardous materials in packing group II to make the HMR comply with UN Recommendations and the 31st amendment of the IMDG Code.

In order to keep from having duplicate stocks and a confusing system of marks, PPG would like to start marking all limited quantity packages as soon as possible using the global limited quantity package size and global limited quantity marking provisions. However as we understand the HM-215E preamble, the provisions of use of the 31st amendment of the IMDG Code in the HMR, the international limited quantity marking and package size application are only allowed on packages that will be shipped internationally. The new marking and package size application are allowed on packages in domestic transport only if they are part of an international shipment.

These differing requirements are particularly troublesome to global manufacturers such as PPG because until the HM-215E final rule is issued sometime later in 2003, packages can be marked one way to comply with international shipments under the 31st amendment of the IMDG code and must be marked another way for domestic shipments under the HMR. Also materials imported into the US for redistribution will be frustrated due to the different markings.

PPG would like to propose that the marking provisions in 49 CFR 172.315 and the addition of Special Provision 149 to the selected entries in the Hazardous Materials Table be authorized domestically along with the incorporation by reference in 49 CFR 171.7 of the 31st amendment of the IMDG Code. In this way packages may be marked in one manner as soon as the January 3, 2003 final rule is issued to authorize these international rules.

The addition of both the international limited quantity marking provisions and the use of special provision 149 for domestic use will allow international shippers to mark packages using one method for both domestic and international shipments. Limited quantity markings are typically applied to outer packagings when the outer packaging is manufactured. There can be a lag of some number of months between manufacture of outer packagings and the use of these outer packagings for filling. By continuing to operate with two different limited quantity marking schemes, additional stocks of goods will have to be produced, packaged, marked and segregated for domestic and international shipments or else international shipments will have to be specially marked at the time of shipment. Both of these scenarios are wasteful and do not add to transport safety.

This dual compliance for limited quantity marking and package size determination places an additional unneeded burden on shippers of limited quantities by further delaying the use of international limited quantity markings and package size determination.

Also the transition provisions in 171.14 do not propose to allow for shipment of previously marked limited quantity packages past the delayed implementation of October 1, 2004. The delay in allowing the global limited quantity marking will shorten this transition time for limited quantity marking to only slightly more than one year. This may not be enough time to clear stocks of goods marked under the existing limited quantity provisions from the transportation system.

As a summary, PPG would propose that the international limited quantity marking in 49 CFR 172.315 and the addition of Special Provision 149 to the selected entries in the Hazardous Materials Table be allowed for domestic shipments as soon as the 31st amendment to the IMDG code is authorized and that previously marked limited quantity packages be authorized for domestic shipment until at least October 1, 2006. A three-year transition period has been authorized for packages marked with obsolete DOT specifications (see 171.14(a)(2)) in the past and is not unreasonable to allow clearing these packages from the stream of commerce.

Thank you for the opportunity for PPG to state its position on this rulemaking.

Sincerely,

S. Wayne Fast, Jr.

Cc: Mr. Robert Richard – DOT
Mr. Frits Wybenga – DOT